

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMIZ ZIJAD HODZIC,

a/k/a Siki Ramiz Hodzic

SEDINA UNKIC HODZIC,

NIHAD ROSIC,

a/k/a Yahya Abu Ayesha Mudzahid,

MEDIHA MEDY SALKICEVIC, and

a/k/a Medy Ummuluna,

a/k/a Bosna Mexico,

ARMIN HARCEVIC,

Defendants.

Case No. 4:15-CR-0049 CDP- DDN

**DEFENDANTS' JOINT  
PROPOSED FACTUAL FINDINGS**

---

**DEFENDANTS' PROPOSED FACTUAL FINDINGS**

Pursuant to this Court's order, Defendants submit the following proposed findings of fact.

**The Syrian Civil War**

1. Civil unrest began in Syria in February 2011.
2. In July 2011, seven officers defected from the Assad military and announced the formation of the Free Syrian Army ("FSA").
3. In July 2011, the FSA declared that Assad's "security forces attacking civilians are from now on justified targets to be neutralized by FSA."
4. In 2011, the FSA became a well-organized fighting force with a command structure and sophisticated weaponry.

5. On August 18, 2011, President Barack Obama called on Bashar al-Assad to resign, saying, “For the sake of the Syrian people, the time has come for President Assad to step aside.”
6. On October 2, 2011, rebel groups formed the Syrian National Council (“SNC”) in Istanbul, Turkey.
7. In April 2012, over 100 countries, including the United States, recognized the SNC as “the umbrella organization under which Syrian opposition groups are gathering” and as “a legitimate representative of the Syrian people.”
8. In March 2012, the SNC announced that it would be coordinating the transfer of arms to the FSA.
9. On June 12, 2012, the United Nations officially recognized that there was a civil war in Syria.
10. On July 23, 2012, the United States Office of Foreign Assets Control (“OFAC”) granted a United States nonprofit organization, the Syrian Support Group, Inc. (“SSG”), a license to support the FSA.
11. On August 20, 2012, President Obama issued a warning to the Assad regime against using chemical weapons. He stated that any use of chemical weapons by Assad would change the United States’ “calculus.” If Assad used such weapons, he would cross a “red line” and be “held accountable by the international community.”
12. On October 31, 2012, Secretary of State Hillary Clinton announced that the United States no longer considered the SNC “the visible leader of the opposition.” She called for an even broader opposition coalition that would fully represent “those who are in the frontlines, fighting and dying today to obtain their freedom.”
13. In November 2012, a broad coalition of Syrian opposition groups signed an agreement in Doha, Qatar, creating the National Coalition of Syrian Revolutionary and Opposition Forces (“SOC”).
14. The SOC was “left open to all hues of the Syrian opposition” and “agreed to bring down the regime and all its symbols and mainstays.” The group included “the Supreme Military Council representing the Free Syrian Army.”
15. On December 11, 2012, the President of the United States recognized this broad opposition group as “the legitimate representative of the Syrian people.”

16. On December 12, 2012, the Department of State confirmed that it was the United States' policy to regard the SOC as "the legitimate representative of the Syrian people."
17. In June 2013, President Obama publicly authorized his administration to provide arms to rebels fighting against Assad.
18. On September 10, 2013, President Obama formally acknowledged that the Syrian conflict had become a civil war "[o]ver the past two years."
19. On September 10, 2013, President Obama addressed the nation regarding Syria's use of chemical weapons, saying that,

Over the past two years, what began as a series of peaceful protests against the repressive regime of Bashar al-Assad has turned into a brutal civil war. Over 100,000 people have been killed. Millions have fled the country. In that time, America has worked with allies to provide humanitarian support, to help the moderate opposition, and to shape a political settlement. But I have resisted calls for military action, because we cannot resolve someone else's civil war through force, particularly after a decade of war in Iraq and Afghanistan.

The situation profoundly changed, though, on August 21st, when Assad's government gassed to death over a thousand people, including hundreds of children.

20. On September 10, 2013, President Obama began seeking authorization from Congress for direct military action against the Assad regime, in addition to the indirect support the United States was already providing to the opposition

#### **Abdullah Ramo Pazara and the Bosnian Unit**

21. Abdullah Ramo Pazara was a Bosnian native who immigrated to the United States, became a naturalized citizen, and resided in St. Louis, Missouri.
22. Pazara left the United States on May 28, 2013.
23. Pazara arrived at the border of Turkey and Syria in July 2013.
24. When Pazara arrived in Turkey, he had no plan to join a specific group, but he knew that he wanted to fight against the Assad regime.
25. At the border, Pazara met another individual, Jasmin Jasaveric, who was a fellow Bosnian.

26. Pazara and Jasaveric were instructed by a group called Nour al-Din al-Zenki, which was under the command of the FSA.
27. While Pazara and Jasaveric received instructions from the FSA, civilians drove them in to Syria.
28. Pazara fought directly with the FSA for the first two or three weeks. Most of the time he was stationed just to the east of Aleppo.
29. The FSA provided Pazara and Jasaveric with clothing, food, and accommodation in houses in the city.
30. Jasaveric and Pazara's duties included securing the hospital and helping the injured, no matter who they were. They would also work in the kitchens and distribute food.
31. After the first few weeks fighting with the FSA, Jasaveric and Pazara were placed under the command of Jaish al-Mujajireen wal-Ansar ("JMA").
32. Their leader in JMA was Salahuddin al-Shishani.
33. JMA was part of a broad coalition united in fighting against the Assad regime. Most of the Bosnians in the unit expressed continued allegiance to the FSA.
34. Both the FSA and JMA engaged in hostile activities principally against the forces of Bashar al-Assad.
35. Both the FSA and JMA were under a chain of command with a person responsible for subordinates.
36. Both the FSA and JMA wore military attire, akin to uniforms, and were recognizable at a distance as combatants.
37. Both the FSA and JMA carried arms openly.
38. Both the FSA and JMA generally complied with the laws of war and attacked Assad military targets.
39. Neither the FSA nor JMA were at war with the United States.
40. Neither the FSA nor JMA were designated FTOs when Defendants allegedly supported Pazara.
41. In January 2014, Pazara joined another group called the Bayt Commandos.
42. Jasaveric and Pazara remained with the same Bosnian unit from July 2013 to at least January 2014.

- 43. In this unit, there was “a clear hierarchy with commanders identified by insignia, rank, and special duties ranking from artillery to paramedics to platoon sized fighting units.”
- 44. Despite their low station, the Bosnians were an organized fighting unit with insignia and were stationed in barracks.
- 45. The Bosnians were distinguished by their uniforms, berets, insignia, hierarchy, flags, etc.

**Armin Harcevic**

- 46. Armin Harcevic was a Bosnian native who immigrated to the United States and is a lawful permanent resident who resided in St. Louis, Missouri.
- 47. The Government alleges that, about September 24, 2013, Armin Harcevic caused to be transferred \$1,500 to Siki Ramiz Hodzic to be transferred to Pazara.

Respectfully submitted,

/s/ Charles D. Swift

Charles D. Swift

Pro Hac Attorney for Defendant Harcevic

TX State Bar No. 24091964

Constitutional Law Center for Muslims in America

833 E Arapaho Rd, Suite 102

Richardson, TX 75081

(972) 914-2507

[cswift@clcma.org](mailto:cswift@clcma.org)

/s/ Catherine McDonald

Catherine McDonald

Pro Hac Attorney for Defendant Harcevic

TX State Bar No. 24091782

Constitutional Law Center for Muslims in America

833 E Arapaho Rd, Suite 102

Richardson, TX 75081

(972) 914-2507

[cmcdonald@clcma.org](mailto:cmcdonald@clcma.org)

/s/ Diane Dragan

Diane Dragan, Assistant Fed. Public Defender  
Attorney for Defendant Ramiz Hodzic  
1010 Market St., Suite 200  
Saint Louis, Missouri 63101  
Telephone: (314) 241-1255  
Facsimile: (314) 421-3177  
Diane\_Dragan@fd.org

/s/ Kevin Curran

Kevin Curran, Assistant Fed. Public Defender  
Attorney for Defendant Ramiz Hodzic  
1010 Market St., Suite 200  
Saint Louis, Missouri 63101  
Telephone: (314) 241-1255  
Facsimile: (314) 421-3177  
[Kevin\\_Curran@fd.org](mailto:Kevin_Curran@fd.org)

/s/ JoAnn Trog

JoAnn Trog 42725MO  
Attorney for Defendant Rosic  
121 West Adams Ave.  
Saint Louis, Missouri 63122-4022  
Telephone: 314-821-1111  
Facsimile: 314-821-9798  
jtrogmwb@aol.com

/s/ Andrea E. Gambino

Andrea E. Gambino  
Law Offices of Andrea E. Gambino  
Co-Counsel for Defendant Mediha Salkicevic  
53 W. Jackson Blvd., Suite 1332  
Chicago, Illinois 60604  
(312) 322-0014 or (312) 952-3056  
fax: (312) 341-9696  
[agambinolaw@gmail.com](mailto:agambinolaw@gmail.com)

/s/ J. Christian Goeke

J. Christian Goeke #39462MO  
Co-counsel for Defendant Mediha Salkicevic  
7711 Bonhomme Avenue, Suite 850  
Clayton, MO 63105  
(314) 862-5110  
(314) 862-5943- Facsimile  
[chris@jcgoekelaw.com](mailto:chris@jcgoekelaw.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of Defendants' Proposed Factual Findings was electronically filed and served on the Court's electronic filing system:

DATED this 20th day of January, 2018.

/s/ Charles D. Swift

Charles D. Swift  
Pro Hac Attorney for Armin Harcevic  
833 – E. Arapaho Rd., Ste. 102  
Richardson, TX 75081  
Tel: (972) 914-2507  
Fax: (972) 692-7454  
cswift@clcma.org